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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 586,202	06 02 2000	David F. Wenstrup	5021	6108

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EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 04 24 2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/586,202

Applicant(s)

WENSTRUP, DAVID E.

Examiner

Preeti Kumar

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-16 are pending.

### *Specification*

2. The abstract of the disclosure is objected to because of its lack of brevity and conciseness. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1, 2, 3, 5, 6, 8, 9, 10, 11, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodmann et al. (US 4,045,601).

Brodmann et al. teach a resin binder or coating to woven fiber glass fabrics to encapsulate the exposed yarn surfaces. The resin coating provides a yarn with a more resilient finish and also the resin coating constitutes a dye receptive layer which can be used to impart color to the fabric. See col.1, ln.23-30. Brodmann et al. teach that the term "fiber glass fabric" refers to a woven fiber glass structure composed of essentially continuous yarns. See col.2, 29-31. Brodmann et al. teaches a multi-step process for treatment of the fiber glass fabric, first, by impregnation with a liquid pre-finishing composition and then by impregnation with a liquid finishing composition. See col. 2, ln.1-8. Brodmann et al. also teach that the liquid pre-finishing composition serves to activate the surface of the glass fiber fabric and makes it receptive to the finishing treatment required in the remainder of the process. See col.3, ln.31-34. In an embodiment, Brodmann et al. disclose the inclusion of a pigment dye in the pre-finishing composition. See col.4, ln.5-15. Thus, Brodmann et al. disclose a method of dyeing synthetic material by impregnating a colorant into a polymeric material structure providing a base color shade for the polymeric material and producing yarn from the polymeric material; and externally dyeing said yarn to form a final color shade thereon.

Brodmann et al. do not specifically teach the steps of impregnating a colorant into a polymeric material, assembling a substrate from the polymeric material, and

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externally dyeing said substrate to form a final color shade on the substrate, and the other requisite components of the composition in the specific proportions as recited by the instant claims.

However it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a method comprising the steps of impregnating a colorant into a polymeric material, assembling a substrate from the polymeric material, and externally dyeing said substrate to form a final color shade on the substrate, and the other requisite components of the composition in the specific proportions as recited by the instant claims, with a reasonable expectation of success, because the broad teachings of Brodmann et al. suggest a method comprising the steps of impregnating a colorant into a polymeric material, assembling a substrate from the polymeric material, and externally dyeing said substrate to form a final color shade on the substrate, and the other requisite components of the composition in the specific proportions as recited by the instant claims.

6. Claims 4, 7, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodmann et al. as applied to claims 1-3, 5, 6, 8-11, 13, 14, and 16 above, and further in view of Freeman (US 4,902,787).

Brodmann et al. are relied upon as set forth above. However, Brodmann et al. do not specifically teach the step of impregnating an ultraviolet stabilizing agent into said polymeric material.

Freeman teaches a method of producing a UV lightfast dyestuff incorporating a photostabilizer compound that is adsorbed into the fibers along with the dyestuff

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molecules and serves to protect the dyestuff molecules from the destructive effects of the energy from absorbed UV light. See col.1, ln.44-50. Freeman teaches that the photostabilizers incorporated into the dyestuffs are additives to dye baths in conventional dyeing processes. See col.2, ln.25-30. Freeman also teaches an approach for the hybrid molecular structures in which the photostabilizer moiety is incorporated into the dyestuff structure, thereby impregnating the fibers with an ultraviolet stabilizing agent. See col.3, ln.18-30.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a step of impregnating a polymeric material with an ultraviolet stabilizing agent, with a reasonable expectation of success because the broad teachings of Freeman suggest a method of impregnating a photostabilizer moiety into the dyestuffs structure to protect the dyestuff molecules from the destructive effects of the energy from absorbed UV light and further, Brodmann et al. disclose a test for lightfastness thereby suggesting a need for lightfastness of fabric in general.

7. Claims 1, 2, 3, 5, 6, 8, 9, 10, 11, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVinney et al. (US 3,775,054).

DeVinney teaches an apparatus by which a continuous length of yarn is advanced at a linear rate while a first dye is applied to the yarn substantially throughout the length thereof, additional dyes are applied to the yarn at incrementally spaced locations there along, the colored yarn is heated to set the dyes thereon. See abstract and col.1, ln.30-55.

DeVinney does not specifically teach the steps of impregnating a colorant into a polymeric material, assembling a substrate from the polymeric material, and externally dyeing said substrate to form a final color shade on the substrate, and the other requisite components of the composition in the specific proportions as recited by the instant claims.

However it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to impregnate a colorant into a polymeric material, assemble a substrate from the polymeric material, and externally dye said substrate to form a final color shade on the substrate, and the other requisite components of the composition in the specific proportions as recited by the instant claims, with a reasonable expectation of success, because the broad teachings of DeVinney suggests the steps of dyeing a continuous length of yarn with a colorant and externally dyeing the yarn to form a final color shade on and along the length of the yarn.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Remaining references cited but not relied upon are considered to be cumulative to or less pertinent than those relied upon or discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone

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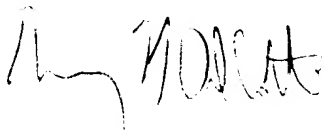
numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Preeti Kumar  
Examiner  
Art Unit 1751

PK  
April 18, 2002

GREGORY DELCOTTO  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Gregory Delcotto", written over the printed name and title.